

at the time of his death, a dwelling house and premises in Frederick City, Frederick County, Maryland, situated on the South side of West Fourth Street, in Frederick City, Maryland, the improvements therein being designated as No. 130 West Fourth Street, said property being all of the real estate described and conveyed in a Deed from Harold V. Hausler, et ux., unto Levi E. Stottlemeyer, dated February 4, 1956, and recorded in Liber 558, folio 462, one of the Land Records of Frederick County, Maryland, a certified copy of said Deed being filed herewith, marked "Exhibit B", and prayed to be taken as a part hereof.

THIRD: That the Fifth Item in said Last Will and Testament of the said Levi Ezra Stottlemeyer devises and bequeaths all of the rest and residue of his estate, including the aforementioned parcel of real estate, in one-fourth shares unto his brother, Clarence B. Stottlemeyer, his brother, Welty W. Stottlemeyer, his sister, Ida L. Zimmerman, and his brother, Lester A. Stottlemeyer; that the said Clarence B. Stottlemeyer and Lester A. Stottlemeyer survived the said Levi E. Stottlemeyer, and the said Welty M. Stottlemeyer predeceased the said Levi E. Stottlemeyer, survived by his daughter, A. Catherine Zimmerman, who is intermarried with Maurice E. Zimmerman, and the said Ida L. Zimmerman, also predeceased the said Levi E. Stottlemeyer, survived by her son, Harry R. Shafer, who is intermarried with Hazel V. Shafer, and as a result thereof the said Clarence B. Stottlemeyer, Lester A. Stottlemeyer, A. Catherine Zimmerman and Harry R. Shafer are tenants in common in the aforesaid real estate owned by the said Levi E. Stottlemeyer at the time of his death.

FOURTH: That under the terms of the said Last Will and Testament of the said Levi E. Stottlemeyer he directed that the one-fourth share of his brother, Clarence B. Stottlemeyer, Respondent herein, be held in trust by his Executor, Paul F. Bittle, the reason therefor being, as believed by your Complainants herein, and therefore avered, that the said Clarence B. Stottlemeyer is incompetent and incapable of executing a valid contract of sale or deed.

FIFTH: That all of your Complainants herein desire and intend to sell all of their right, title and interest in and to the aforesaid real estate, and therefore aver that notwithstanding the incompetency of the said Clarence B. Stottlemeyer, that a sale of the said real estate, including the interest of the